



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,337	10/12/2000	Paul E. Beckmann	02103-390001	1572

26161 7590 03/22/2006

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

MICHALSKI, JUSTIN I

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/689,337	Applicant(s) BECKMANN ET AL.	
	Examiner Justin Michalski	Art Unit 2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 80-104 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 80-104 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 80-83 and 85-92 are rejected under 35 U.S.C. 102(b) as being anticipated by Contois (US Patent 5,864,868).

Regarding Claim 80, Contois discloses an audio reproduction system comprising: a storage device containing a plurality of music files (Fig. 1), each music file including at least a first (Fig. 3, category) and second type (composer) of metadata that characterizes the music file; and a display device for displaying a user interface configured to present a first assemblage of the plurality of music files in a first set of groups according to the first type of metadata associated with the music files, in response to a user selection of a group, wherein the second assemblage presents the music files in the selected group in a second set of groups according to the second type of metadata associated with the music files in the selected group (Fig. 3).

Regarding Claim 81, Contois further discloses a processor and instruction stored on a computer-readable medium (Fig. 1) that when executed by the processor cause the processor to assemble the plurality of music files into the first set of groups based on the first type of metadata associated with each respective file (Fig. 3, category), and

assemble the plurality of music files into the second set of groups based on the second type of metadata (composer) associated with each respective music file.

Regarding Claim 82, Contois further discloses instructions that cause the processor to detect an addition of a new music file to the plurality of music files after assembling the plurality of music files into two or more groups, and in response to detection of a new music file, automatically updating the first and second set of groups with the new music file based on the first and second type of metadata associated with the new music file.

Regarding Claim 83, 85, and 86 Contois further discloses the first or second type of metadata comprising artist information, composer information, and music type (Fig. 4, category, artist, composer).

Regarding Claim 87, Contois further discloses a hard drive (Fig. 1, hard drive 33)

Regarding Claim 88, Contois further discloses a monitor (31).

Regarding Claim 89, Contois further discloses presenting information about a source of audio information (Fig. 3).

Regarding Claims 90 and 91, Contois further discloses the user interface is configured to present the first and second type of metadata associated with music files and allows a user to sort music files based on the presented metadata (Fig. 3).

Regarding Claim 92, Contois discloses a machine readable medium comprising instructions that, when executed by a processor, cause the processor to: provide a user interface for navigating a plurality of music files stored on a storage device, each music file associated with at least a first and second type of metadata (Fig. 3, category,

composer); present within the user interface a first assemblage of a plurality of music files in a first set of groups according the first type of metadata associated with the plurality of music files (Fig. 3); and in response to a user selection of a group in the first set of groups (category), present within the user interface a second assemblage of the music files of the selected group in a second set of groups according to a second type of metadata associated with the music files of the selected group (composer).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 82 and 93-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Contois as applied in view of Katz et al. (Hereinafter "Katz") (US Patent 6,356,971).

Regarding Claims 82 and 93, Contois discloses a device as stated apropos of claims 81 and 93 respectively above but does not disclose detecting an addition of a new music file to the plurality of music files after the plurality of music files have been assembled into the first and second sets of groups, and in response to detection of a new music file, automatically updating the first and second set of groups with the new music file based on first and second type of metadata associated with the new music

Art Unit: 2644

file. Katz discloses a system for managing multimedia files including adding a file to a collection (Col. 8, lines 19-30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include detection and updating of groups in order to provide means for adding additional music files to the list of available.

Regarding Claim 94, Contois discloses an audio reproduction system comprising: a sound reproduction device; a mass storage device (Fig. 1, hard drive 33) configured to store a plurality of music files each including at least a first and second type of metadata characterizing the respective music file (Fig. 3, category and composer); a computer configured to interface with the sound reproduction device and a network (Fig. 1), the computer comprising: a processor (cpu 32); instructions stored on a computer-readable media that when executed, cause the processor to: assemble the plurality of music files into a first set of groups based on the first metadata associated with each respective music file (Fig. 3, category and composer); assemble the plurality of music files into a second set of groups (composer) based on the second metadata associated with each respective music file. Contois does not disclose detecting an addition of a new music file to the plurality of music files after the plurality of music files have been assembled into the first and second sets of groups, and in response to detection of a new music file, automatically updating the first and second set of groups with the new music file based on first and second type of metadata associated with the new music file. Katz discloses a system for managing multimedia files including adding a file to a collection (Col. 8, lines 19-30). Therefore it would have been obvious to one of ordinary

skill in the art at the time the invention was made to include detection and updating of groups in order to provide means for adding additional music files to the list of available.

Regarding Claims 95 and 96, Contois further discloses a storage device within a computer (Hard drive storage 33, Fig. 1). It is well known in the art that mass storage may also be located externally to the computer.

Regarding Claim 97, it is well known in the art the audio systems can comprise radio tuners in order to provide a selection of audio material.

Regarding Claim 98, it is inherent that there will be circuitry to convert the music file to audible sound in order to produce an audible output.

Regarding Claims 99 and 100, Katz further discloses use of a network (Col. 2 lines 12-33).

Regarding Claim 101, Contois further discloses metadata comprising artist, composer, and type of music (Fig. 3).

Regarding Claim 102, Contois discloses a machine readable medium associated with a sound reproduction system comprising a mass storage device containing a plurality of music files each having a first and second type of metadata, the computer readable medium comprising instructions that, when executed by a processor, cause the processor to: assemble the plurality of music files into a first set of groups based on the first type of metadata associated with each respective music file (Fig. 3, category); assemble the plurality of music files into a second set groups based on the second type of metadata associated with each respective music file (composer). Contois does not disclose detecting an addition of a new music file to the plurality of music files after the

Art Unit: 2644

plurality of music files have been assembled into the first and second sets of groups, and in response to detection of a new music file, automatically updating the first and second set of groups with the new music file based on first and second type of metadata associated with the new music file. Katz discloses a system for managing multimedia files including adding a file to a collection (Col. 8, lines 19-30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include detection and updating of groups in order to provide means for adding additional music files to the list of available.

Regarding Claim 103, Contois discloses a networked audio reproduction system comprising: a sound reproduction device; a storage device (Fig. 1, storage 33) configured to store a plurality of music files each including metadata characterizing the respective music file (Fig. 3, category and composer); a computer configured to interface with the sound reproduction device (Fig. 1), the computer comprising: a processor (cpu 32); a display (31); instructions stored on a computer-readable media that when executed, cause the processor to: assemble the plurality of music files into a set of groups based on the metadata characterizing the music files (Fig. 3, category); present on the display a user interface that comprises a window having a first region for displaying information about available media sources, a second region for displaying information about the assembled groups of music files (composer); receive media files from the network; and transmit media files to the mass storage device. Contois does not disclose the audio device networked. However, it is notoriously well known in the art that computers can be connected to a network to transfer and receive files from a

remote location. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the computer to be connected to a network in order to easily transfer files.

Regarding Claim 104, Contois further discloses the mass storage device location within the computer (Fig. 1, storage 33).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prochl et al. (US Patent 6,118,450), Dwek (US Patent 6,248,946), and Stead (US Patent 6,380,947) discloses methods and apparatuses for displaying audio information.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Michalski whose telephone number is (571)272-7524. The examiner can normally be reached on M-F 7-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JIM



March 16, 2006



VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

3/20/06